

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 26, 2007

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No. 07-50209  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MICHAEL SCOTT GRAHAM

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:06-CR-122-ALL

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Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Michael Scott Graham appeals the 78-month prison sentence imposed following his conviction for possessing child pornography that had been shipped and transported in interstate commerce, in violation of 18 U.S.C. §§ 2252A(a)(5) and 2256(8)(A). Graham challenges the presumption of reasonableness that attaches to a properly calculated, within-guidelines sentence. This argument, however, is foreclosed; Graham's sentence is entitled to a presumption of

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

reasonableness. See *Rita v. United States*, 127 S. Ct. 2456, 2462 (2007); *United States v. Alonzo*, 435 F.3d 551, 553 (5th Cir. 2006); *United States v. Mares*, 402 F.3d 511, 519 (5th Cir. 2005). Although a defendant can rebut the reasonableness of his properly-calculated guidelines sentence, Graham has failed to do so. See *United States v. Nikonova*, 480 F.3d 371, 376 (5th Cir. 2007), petition for cert. filed (May 21, 2007) (06-11834).

Graham also argues that the district court erred by failing to provide specific reasons for rejecting his arguments in support of a more lenient sentence. However, little explanation is required when the district court exercises its discretion to impose a sentence within a properly calculated guidelines range. *Mares*, 402 F.3d at 519. Moreover, Graham's contention that the district court was required to articulate specific reasons for rejecting his arguments is insufficient to rebut the presumption of reasonableness afforded his sentence. See *Nikonova*, 480 F.3d 371, 376. Accordingly, the judgment of the district court is AFFIRMED.